

## REMARKS

Claims 26-43 are pending in the application. Claim 28 is amended above to correct its dependency. New claims 41-43 have been added to the application. No new matter has been added to the application by way of these claim amendments.

The examiner's claim objections and rejections are overcome or traversed as set forth below.

### I. THE CLAIM 28 OBJECTION

The examiner's objection to claim 28 is overcome above by amending claim 28 to depend upon claim 26.

### II. TRAVERSE OF THE OBVIOUSNESS REJECTION

The examiner rejected claims 26-40 for being obvious over Coleman et al. (USP 5,844,620) in view of Chaney (USP 5844620). The presently pending and amended claims are not obvious for each of the reasons set forth below.

All pending claims are patentable because the combination of the prior art references and in particular, Coleman does not disclose or suggest every feature of the claimed invention. In particular, Coleman does not, as the examiner contends, teach the independent claim 26, 39 and 40 feature of "multiplexing a plurality of service data in a frame format to form a service multiplex for service transmission, whereby identification and control data of the service data are located in at least one part of the multiplexed frames to be transmitted with the respective service data".

Coleman instead discloses a method and apparatus for providing an interactive program guide (IPG) for television programs, movies and other services available over a broadcast network. The IPG data is input to an IPG data processor via an operator interface, comprising typically a workstation with a keyboard or other input means (see Col. 6, lines 17-23). As illustrated in Coleman Figure 1, and as described at Col. 5, line 60 to Col. 6, line 16 of Coleman, the service packet streams and a packetized IPG data stream are multiplexed into a packet stream multiplex which is transmitted over a broadcast network to user receivers. As also noted by the

examiner in the present Official Action, the IPG data packets are transmitted in separate time slots and a customer receives a IPG packet data before the actual service data streams.

In the presently claimed invention, the identification and control data is part of and is transmitted with the service data – and not before as in Coleman. In other words, Coleman does not teach that identification and control data other than separately transmitted selection data (IPG data) is located in the service packet stream multiplex and transmitted in real-time with the actual service data. For at least this reason, claims 26-40 are non-obvious and patentable over Coleman.

All pending claims are also independently patentable because Coleman fails to teach forming the selection data on the basis of the identification and control data used in the service multiple, since as noted above, Coleman fails to disclose any such identification data. To overcome this deficiency of Coleman, the examiner alleges that the “selection data for the selection of the service” is formed “on the IPG data located in the service multiplex”, and that the selection data based on the IPG packet data is transmitted separately without the actual service data of the service multiplex, since in Coleman “IPG packets are transmitted in separate time slots and a customer receives the IPG packet data before the actual service data. Thus, the examiner alleges that the IPG data is formed based on the IPG data.

The examiner relies upon the same IPG data for disclosing two different features of the present invention: the selection data for the service data and transmitted separately of the actual service data; and the identification and control data located in the service multiplexed frames with the actual service data. As we have noted in our previous responses, in the present invention the selection data is formed on the basis of data already created from the service multiplex for identification and control purposes of a service transmission. As a consequence, the selection data according to the present invention may be automatically generated from the service multiplex while at the same time the selection data is inherently applicable for identifying and locating the selected service from the received service multiplex as the latter contains similar type of identification and control data. The IPG data in Coleman is not automatically created – it is input manually. Therefore, Coleman does not disclose this feature of the claimed invention.

Yet another reasons all claims are patentable is because Coleman fails to teach “in

response to the user selecting a service displayed on a display unit, identifying the selected service on the basis of said identification and control data associated the selected service and transmitted in multiplexed frames, and providing the customer with the identified service from the service multiplex". The failure of Coleman to disclose this feature is acknowledged by the examiner who relies upon Chaney for teaching this feature. Chaney, however, discloses a digital video system in which a transmitted packet data stream contain different service/program packets and program guide packets (*E.g.*, Packet D4in Figure 1). Each packet includes a unique Service Control Identifier (SCID) corresponding to the respective service.

The examiner alleges that it would have been obvious to one having ordinary skill in the art to modify the system of Coleman so that each packet of a transmitted packet data stream contain a unique Service Control Identifier (SCID) corresponding to the respective service data carried in the packet. However, the system of Coleman modified according to Chaney will not result in the presently claimed invention. Coleman as modified according to Chaney fails to teach forming the selection data on the basis of the identification and control data used in the service multiplex. Moreover, Coleman explicitly teaches away from the invention of claims 26-43 by teaching that the IPG data is manually input through the operator interface. Thus, there would have been no motivation for a person of ordinary skill in the art to act against the teaching of Coleman and form the selection on the basis of the identification and control data used in the service multiplex. For at least this reason, all claims are patentable over Coleman in view of Chaney.

### **III      New Claim 43 Is Independently Patentable**

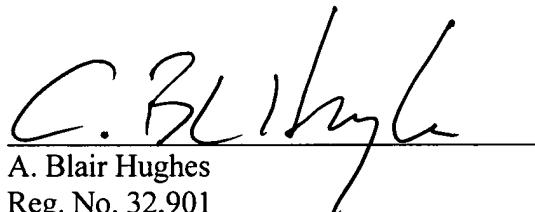
New claims 41-43 have been added to the application. Claims 41-42 are patentable and non-obvious over the prior art at least by virtue of their dependency upon claim 26. New independent claim 43 is patentable over the cited prior art for the reasons identified above and further because Coleman fails to teach transmitting the service data and identification and control data of the service data in multiplexed frames over a broadcast network, and transmitting the service selection data separately through a data network as set forth in claim 43.

**CONCLUSION**

In view of the claim amendments above, and further in view of the statements in favor of patentability presented above it is believed that pending claims 26-43 of this application are allowable. Favorable reconsideration and allowance of the pending application claims is, therefore, courteously solicited.

Respectfully submitted,

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